

Minneapolis City Planning Department Report

Zoning Amendment (Rezoning), Conditional Use Permit, Site Plan Review

BZZ – 1154

Date: June 16, 2003

Date Application Deemed Complete: May 21, 2003

End of 60 Day Decision Period: July 20, 2003

Applicant: Dan Bartus

Address Of Property: 3422 E. 42nd St.

Contact Person And Phone: Todd Knutson, 332-8000

Planning Staff And Phone: Jason Wittenberg, 673-2297

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: I1

Proposed Zoning: Add the IL (Industrial Living) Overlay District to the existing I1 District

Zoning Plate Number: 33

Legal Description of Property Proposed for Rezoning: That part of the Southeast Quarter of the Northwest Quarter of Section 7, Township 28, Range 23, Hennepin County, Minnesota described as follows: Beginning at the intersection of the north line of East 42nd Street and the westerly line of Dight Avenue thence West 80 feet along said north line of East 42nd Street thence Northerly parallel with said westerly line of Dight Avenue 141.75 feet thence East parallel with said East 42nd Street 80.00 feet to the westerly line of Dight Avenue thence Southerly along said westerly line of Dight Avenue 141.75 feet to the point of beginning and there terminating.

Project Name: 42nd Street Studios

Proposed Use: Seven residential units in a new three-story building, a conditional use in the IL Overlay District.

Site Plan Review: Site plan review is required for any use containing five or more new or additional dwelling units as indicated in Table 530-1 of the zoning code.

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Previous Actions: N/A

Concurrent Review: Rezoning, conditional use permit, and site plan review as noted above.

Background: The applicant proposes to construct a new seven-unit, three-story residential building at the northwest corner of East 42nd Street and Dight Avenue. A single-family dwelling that was located on the site has been demolished and a number of trees have been removed from the site.

Since the site and adjacent properties have industrial zoning, there are no required setbacks for the project. Setbacks for residential dwellings in the Industrial Living Overlay District are determined through the conditional use permit process. The applicant proposes to construct the building up to the front lot lines along both Dight and 42nd. A setback of five feet is proposed between the building and the north property line.

The applicant proposes to construct a new concrete sidewalk in the public right of way along Dight Avenue as well as wide walkways in front of each entrance in the public right of way. There is an existing public sidewalk adjacent to the site along 42nd Street.

The proposed project is the first phase of a larger development. The applicant has also filed application for eight additional dwelling units on the adjacent property to the north of the site in question.

Office/industrial uses near the site include Tool Warehouse, 3410 E. 42nd St., a sales and repair facility, and Kriss Products, 3400 E. 42nd St., a company specializing in water treatment systems.

Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan indicates that the City should increase the number of households living in Minneapolis, and that “(t)he number of households from all walks of life who choose to make Minneapolis their home must continue to grow if the city’s neighborhoods are to remain economically, socially and physically vital.”

The property in question is located within one block east of Hiawatha Avenue and approximately mid-way between the LRT stations at 38th Street and 46th Street.

Planning staff has identified the following policies from the Minneapolis Plan as being relevant to the request to rezone to add the Industrial Living Overlay District to the existing I1 (Light Industrial) District:

Relevant Policy: **4.11** Minneapolis will improve the range of housing options for those with few or constrained choices.

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Relevant Implementation Steps:

- Increase the variety of housing types (affordability, style, location) throughout the city, its communities and the metro area, giving prospective buyers and renters greater choice in where they live.
- Encourage infill housing.

Staff comment: The rezoning would allow for construction of new dwelling units, increasing housing options in the neighborhood.

Relevant Policy: **9.22** Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Relevant Implementation Steps: Use both infill development and new development opportunities to increase housing in the city.

Staff comment: The rezoning would allow infill housing development of a site that is located in an area containing a mix of residential and industrial uses.

Relevant Policy: **9.26** Minneapolis will prioritize growth in light industrial land uses to increase the tax base and create jobs for city residents.

Relevant Implementation Step:

- Identify appropriate areas for the retention and expansion of existing industry and the development of new industry in specific industrial and business park opportunity areas.
- Promote light industrial uses as the preferred use of industrial land, but discourage warehouse or distribution uses in areas where truck traffic will negatively impact residential neighborhoods.

Staff comment: The rezoning would allow other uses other than light industrial uses, which would not “promote” the property for light industrial use. The IL Overlay District would preserve the right to develop the site with a light industrial use, however.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

Although the rezoning would largely benefit a particular property owner, the zoning change could be considered to be in the public interest in that the IL Overlay District would allow residential development that would help area businesses thrive and capitalize on the public investment in LRT in the corridor.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning

classification, where the amendment is to change the zoning classification of particular property.

The applicant's property is located at the northwest corner of the intersection. All other properties at the intersection contain residential uses. Small-scale office/industrial uses are located immediately to the west of the site. R5 (Multiple Family) zoning exists one and a half blocks to the east of the site.

The Planning Department believes that the proposed zoning is compatible with the existing use and zoning classifications in the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses for the property under the existing zoning classification. The property in question currently could accommodate, for example, a variety of commercial and industrial uses. However, unless the IL Overlay District is added to the site, a new residential use could not be constructed.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

A number of new residential dwellings have been constructed or are proposed in the Hiawatha Corridor, including a mix of single family and multiple family dwellings. The commission and city council approved a rezoning to allow new residential construction in 2002 for the property at 3408 Snelling Avenue, some distance to the north in the same corridor. The proposed project would be consistent with this trend.

Findings As Required By The Minneapolis Zoning Code For A Conditional Use Permit:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Construction of seven dwelling units in the Hiawatha Corridor would not prove detrimental to public health, safety, comfort or welfare. The site has historically been used for residential use.

2. **Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The site has historically been used for residential use. The entire block face along Dight Avenue is developed with residential uses. Along East 42nd Street, there are office/industrial uses immediately to the west and residential uses to the south and east. As with any residential development in an industrial district, conflicts could arise between residential and industrial uses. The Planning Department does not believe that continued residential use of the property, albeit at a higher density, would impede normal and orderly development or improvement of area property.

3. **Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The site would be accessed from a new curb cut along 42nd Street. The Public Works Department has reviewed the preliminary plan and will review the final plan for issues such as drainage and public facilities. The applicant, as shown, should provide a walkway in the public right of way that would connect to the existing public sidewalk along 42nd Street.

4. **Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The applicant proposes to exceed the number of required off-street parking spaces and the project would be served by a single curb cut, minimizing the disruption to on-street parking. Traffic congestion would be minimized.

5. **Is consistent with the applicable policies of the comprehensive plan.**

The conditional use permit to allow seven dwelling units is consistent with the relevant provisions of the Minneapolis Plan, as follows:

Relevant Policy: **4.11** Minneapolis will improve the range of housing options for those with few or constrained choices.

Relevant Implementation Steps:

- Increase the variety of housing types (affordability, style, location) throughout the city, its communities and the metro area, giving prospective buyers and renters greater choice in where they live.
- Encourage infill housing.

Staff comment: The proposed development would be an example of creative infill housing.

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Relevant Policy: **9.22** Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Relevant Implementation Steps: Use both infill development and new development opportunities to increase housing in the city.

Staff comment: The rezoning would allow for construction of new dwelling units, increasing housing options in the neighborhood.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, and site plan review.**

If the requested land use/zoning applications are approved, the proposal will comply with all provisions of the Industrial Living Overlay District.

Required Findings for Major Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.

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- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

The applicant proposes to construct the building up to the front lot lines along both 42nd Street and Dight Avenue. According to a survey submitted by the applicant, the lot line along Dight Avenue is approximately, 15 feet from the curb. There is currently no public sidewalk along Dight Avenue. Along 42nd Street, the survey shows approximately 20 feet between the lot line and the curb and 10 feet between the lot line and the north edge of the public sidewalk. The proposed building placement would reinforce the street wall along 42nd Street. Along Dight Avenue, the proposed building would be set forward of other residential buildings on the block. The particular building placement maximizes visibility from the site itself.

As noted above, the building would be constructed up to the front lot lines along both 42nd Street and Dight Avenue.

The project would be constructed to the front lot lines. The applicant should include more amenities and less concrete between the front lines and the public streets.

The principal entrances to the building would face Dight Avenue.

On-site accessory parking would be tuck-under parking at the rear (west side) of the building.

The building would include a good deal of architectural detail (e.g., metal awnings, decorative column-like elements in the brick, and a cornice) and would include extensive use of windows at ground level.

Architectural elements are emphasized in that the proposed building design attempts to create distinct sections of the building that would reduce its apparent mass.

The primary exterior material would be brick on all sides of the building.

Plain face concrete block would not be used on any façade.

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The building entrances would be emphasized with awnings. Each unit would have an individual street-level entrance along Dight Avenue. The roof would be flat, consistent with commercial/industrial buildings adjacent to the site and other multi-family residential developments in the area. According to staff calculation, approximately 54 percent of the first floor façade facing Dight would be windows and doors. Windows proposed along Dight would be in the form of rollup-overhead doors. Approximately 42 percent of the first floor façade facing 42nd Street would be windows. Windows would be evenly distributed on the building. No windows are proposed into the tuckunder parking lot. Staff recommends that the commission allow this configuration given that the area essentially acts as an unenclosed garage.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

Wide walkways would connect the individual units to a new walkway in the public right of way. The walkway connecting the units to the public sidewalk along 42nd Street is crucial to pedestrian circulation.

There are no transit stops adjacent to the site. Note that the rerouting of bus lines upon opening of the LRT line may bring the Metro Transit route 20 past this site (on 42nd Street).

Vehicular access would take place via a new curb cut along 42nd Street. The single curb cut minimizes vehicle/pedestrian conflicts to the extent practical. Staff recommends, however, that the applicant reduce the width of the curb cut to approximately 20 or 22 feet. The fact that the proposed curb cut extends in front of the adjacent property to the west may be a violation of Public Works Department standards.

The curb cut along 42nd Street would minimize the impact of traffic on nearby residential properties.

The applicant must indicate where snow will be stored or whether snow will be removed from the site.

The site plan proposes very little permeable area. On the site itself, the only significant permeable area is the three-foot-wide strip of land along the west property line. If the phase II project does not

materialize, the applicant must provide a landscaped area of five feet in width along the north lot line.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

Conformance with above requirements:

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The site in question has approximately 11,340 square feet of area. The building footprint would be approximately 6,539 square feet, leaving 4,801 square feet of net site area. At least 20 percent of the net site area, or 960 square feet, should be landscaped. The applicant's plan shows approximately 425 square feet of rock on the site and an additional 180 square feet of landscaping in the public right of way. This aspect of the plan is not acceptable. Staff recommends that the applicant consider preserving the mature trees near the west lot line or adding vegetation or decorative fencing. At a minimum, the area between the drive aisle and the west lot line should be planted with a hedge of approximately three feet in height (e.g., Alpine Currant, Compact American Cranberry Bush) or shall feature a decorative fence as a transition between the residential property and the commercial property to the west. Given the need for an adequate drive aisle to serve the tuck-under parking, staff recommends that the commission grant alternative compliance to allow less than 20 percent of the site to be landscaped provided the applicant increases the amount of landscaping in the public right of way and further provided that the area between the drive aisle and the west lot line is thoroughly landscaped. The landscaping should include a weed barrier and hardwood mulch. Staff also directs the applicant to reduce the width of the driveway to 20 feet in the area south of the parking spaces (i.e., where the driveway does not serve the purpose of maneuvering into and out of parking spaces) to allow more landscaping along that portion of the west lot line. Note that the shrub identified as JPU on the landscape plan is not identified in the plant schedule.

In addition the shrubs in the right of way, planting a continuous row of shrubs (spaces approximately three feet on center) along the west lot line would comply with the required number of shrubs. The applicant must preserve or plant on tree on the site.

There are no required "landscaped yards" on the site (in phase I).

Concrete curbing would be installed around the parking/maneuvering area.

The landscaping must be properly installed and maintained.

Turf must cover all areas that are not paved or landscaped.

ADDITIONAL STANDARDS:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**

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- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Conformance with above requirements:

Exterior lighting does not appear to be identified on the applicant's current plan. Lighting must comply with Chapter 535 of the zoning code and must be included in the final plan for staff review.

If the proposed second phase of the project is approved, the north end of the drive aisle must be landscaped in a manner that reduces headlight glare onto residential property to the north.

Significant views would not be blocked by the development.

Some shadowing of public sidewalks would be expected on a three-story building on a corner lot.

Wind currents should not be major concern.

From a crime prevention standpoint, the applicant should consider some low-level lighting on both the front and rear of the building. The applicant should consider decorative wrought iron style fencing to better define the site. Staff is concerned about the small gap between the phase one building and the phase two building. This area should be lighted and/or gated for crime prevention and security purposes.

The site is not located within a designated historic district.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE: The site is zoned I1. The applicant proposes to rezone the property to add the Industrial Living Overlay District in order to allow construction of dwelling units on the property.

Parking Spaces and Drive Aisles: On this phase of the project, the applicant proposes nine off-street parking spaces accessory to the seven dwelling units. The zoning code requires one off-street parking space per dwelling unit. The applicant's two-way drive aisle is currently shown as slightly less than 22 feet and must be increased to 22 feet on the final plan.

Signs: No signs are proposed for the project.

Maximum Floor Area: The maximum F.A.R. in the I1 District is 2.7. The proposed F.A.R. would be less than 2.0.

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Minimum Lot Area: The Industrial Living Overlay District requires not less than 900 square feet of lot area per dwelling unit. With seven dwelling units, the applicant would be providing 1,620 square feet of lot area per dwelling unit.

Height: Building height in the I1 District is four stories or 56 feet, whichever is less. The proposed building would be three stories and approximately 33 feet in height.

Yard Requirements: Since there is not Residence or Office Residence zoning adjacent to the site and the adjacent residential use is nonconforming (rather than permitted or conditional), no setbacks are required unless the commission believes that setbacks should be provided as part of the conditional use permit.

Specific Development Standards: None

Hours of Operation: Residential uses are not governed by maximum hours of operation.

Dumpster screening: The applicant has not indicated whether any outdoor storage of refuse would take place on the site.

MINNEAPOLIS PLAN: For analysis of the project's compliance with the city's comprehensive plan, please see the rezoning and conditional use permit above.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

Staff is unaware of any conflict between the proposal and any development plan or objective adopted by the city council.

Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

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- Because the parking area functions essentially as a garage, staff believes that it is impractical to provide windows into the parking area at ground level.
- Staff recommends that the commission allow a reduction in the amount of required landscaping provided the applicant provides more extensive landscaping in the public right of way than is currently proposed and further provided that the applicant installs landscaping and/or decorative fencing between the drive aisle and the west property line.

CITY PLANNING DEPARTMENT RECOMMENDATIONS:

Recommendation Of The City Planning Department for the Zoning Amendment (Rezoning) Application:

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application to rezone the property at 3422 East 42nd Street to add the IL Overlay District to the existing I1 District.

Recommendation Of The Minneapolis City Planning Department for the Conditional Use Permit:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow construction of seven (7) dwelling units in a new building located at 3422 East 42nd Street.

Recommendation of the City Planning Department for the Site Plan Review Application:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for seven (7) dwelling units in a new building located at 3422 East 42nd Street, subject to the following conditions:

- 1) As indicated on the proposed plan, a walkway shall connect all of the dwelling units to the public sidewalk along East 42nd Street.
- 2) The area between the drive aisle and the west property line shall be either landscaped or shall feature decorative fencing.
- 3) The applicant shall preserve or install not less than one (1) tree on the site (exclusive of existing and proposed trees located in the public right of way).
- 4) Exterior lighting shall be reviewed and approved by the Planning Department prior to obtaining a building permit.
- 5) The applicant shall obtain an encroachment permit for all improvements in the public right of way.
- 6) The Planning Department shall review and approve the final site, landscape plan, and building elevations prior to issuance of a permit.
- 7) If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining a building permit.

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- 8) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by June 26, 2004, or the permit may be revoked for non-compliance.